THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5012 of 2006

Dated: 03.11.2006

Between:

Yelagada Srinu.

.... PETITIONER

AND

The A.P.State Warehousing Corporation, rep. by its Managing Director, 2nd Floor, Behind Gandhi Bhavan, Nampally, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 5012 of 2006

ORDER:

The petitioner, who is the son of the deceased employee of the respondents-Corporation, filed the present writ petition seeking to direct the respondents to appoint him on compassionate grounds.

2. The petitioner states that his father, namely, Y. Veeraraju, died on 09.01.2001, while working as Attender in the respondents-Corporation. Thereafter, he made a representation dated 28.06.2001 requesting the respondents to provide employment on compassionate grounds. Since the respondents have not considered his case, he was constrained to file W.P.No.7610 of 2002, which was disposed of on 30.07.2004, directing the 2nd respondent to consider the representation dated 28.06.2001 of the petitioner, within a period of four weeks from the date of receipt of a copy of that order. The petitioner states that the respondents have informed him, through letter dated 30.09.2004, that as per Regulation 6A(4)C of the APSWC Employees Regulations, the scheme of compassionate appointment is dispensed with and in lieu thereof, ex-gratia is being paid to the dependent of the employee, who dies while in service and accordingly, they paid an

amount of Rs.50,000/- towards ex-gratia by way of Demand Draft, in lieu of compassionate appointment. As the ex-gratia paid by the respondents is meager, he returned the said Demand Draft to the respondents and his several requests for appointment on compassionate grounds did not yield any result. So, he filed C.C.No.1641 of 2006 and the same was dismissed on the ground that the respondents have already complied with the orders by sending Demand Draft for Rs.50,000/-towards ex-gratia, and granted liberty to the petitioner to file fresh application challenging the action of the respondents.

3. Accordingly, he made representation dated 28.07.2005 before the respondents for appointment on compassionate grounds, but no orders thereon have been passed by the respondents. Hence, again he filed the present writ petition.

4. Learned counsel for the petitioner submits that though the respondents offered monetary benefit in terms of G.O.Ms. No. 36, dated 05.09.2001, that does not bar the respondents to consider the case of the petitioner for appointment on compassionate grounds, since the petitioner has refused to receive the monetary benefit.

4. On the other hand, the learned Standing Counsel for the respondents-Corporation, relying on a Division Bench judgment of this Court in W.A.No.1351 of 2002 and batch, dated 04.11.2003, wherein similar issue was considered, submitted that as per G.O.Ms. No. 36, dated 05.09.2001, the Government has introduced a policy, which not only prohibits making appointments on compassionate grounds but also directs all State Level Public

Enterprises not to consider even the earlier cases pending before them, and in such view of the matter, there is no scope for consideration of any cases for appointment on compassionate grounds of those employees who died in harness, but such of those dependants are entitled for payment of ex-gratia only, and therefore, they have extended the scheme of monetary benefit in lieu of compassionate employment to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

6. A Division Bench of this Court in Writ Appeal No.1351 of 2002 and batch, dated 04.11.2003 held as under:

> "It is thus clear that the present policy of the Government, as is evident from G.O.Ms.No.36, Public Enterprises (III) Department, dated 05.09.2001, not only completely prohibits making appointments on compassionate grounds but also directs all State Level Public Enterprises not to consider even the earlier cases pending before them. It is thus clear that for all practical purposes, G.O.Ms.No.36, Public Enterprises (III) Department, dated 05.09.2001, replaces the earlier Policy of the Government contained in G.O.Ms.No.59, General Administration (Services-A) Department, dated 05.02.1993.

7. A perusal of the said judgment would show that there is no scope for consideration of any cases for appointment on compassionate grounds of those employees, who died in harness. But, such of those dependants are undoubtedly entitled for payment of ex-gratia in terms of the revised policy of the Government. In that view of the matter, this Court cannot compel the respondents to provide employment on compassionate

grounds to the petitioner. However, if the petitioner is entitled to any monetary benefits, the respondents are directed to provide such benefits, expeditiously.

Accordingly, the Writ Petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 03-11-2006

sj/nsr

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